

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46167 of 2022

Arising Out of PS. Case No.-705 Year-2019 Thana- NAUBATPUR District- Patna

VIKASH KUMAR SON OF ARUN SINGH @ ARUN SHARMA R/O
VILLAGE- TARARI, P.S.- NAUBATPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with

Naubatpur P.S. Case No. 705 of 2019 registered for the offence

under Sections 341, 323, 307, 504 and 34 of the Indian Penal

Code.

The accused/petitioner is not named in the F.I.R. and

is in custody since 20.01.2022.

The allegation against the petitioner is to assault the

informant and his family members with intention to cause their

death.



Learned counsel appearing on behalf of the petitioner submitted that the implication of this petitioner is based upon registration number of alleged motorcycle. It is submitted that the alleged motorcycle, which is the basis of prosecution/implication, is not connected, in any manner, with present petitioner. It is further submitted that petitioner was not put on TIP, as yet despite of the fact, petitioner claimed to be an eye witness of the occurrence. It is also submitted that the involvement of the petitioner is only due to his criminal antecedents, as he involved in 11 more criminal cases, where he is on bail in all cases. While concluding the argument, it has been submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as alleged motorcycle not belongs to the petitioner, where petitioner was not put on TIP, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Naubatpur P.S. Case No. 705 of 2019 on furnishing bail



bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Danapur/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Yashvant Kumar, who is the Cousin (Chachera Bhai) of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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